

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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PETER PAUL BIRO,	:
	:
Plaintiff,	: Index No. 11-CV-04442 (JPO)
	: ECF Case
	:
-against-	:
CONDÉ NAST, a division of ADVANCE	: NOTICE OF MOTION BY
MAGAZINE PUBLISHERS INC., et al.,	: THE ADVANCE DEFENDANTS
	: FOR JUDGMENT ON THE
	: <u>PLEADINGS UNDER RULE 12(c)</u>
	:
Defendants.	:
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PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 12(c), and upon the accompanying Memorandum of Law and all pleadings and papers previously filed herein, defendants Advance Magazine Publishers Inc. and David Grann respectfully move this Court before The Honorable J. Paul Oetken, United States District Judge, for an order dismissing plaintiff's Third Amended and Supplemental Complaint against them with prejudice for failure to state a claim.

Dated: March 1, 2013

Respectfully submitted,

LEVINE SULLIVAN KOCH & SCHULZ, LLP

/s/ David A. Schulz

David A. Schulz

Chad R. Bowman (*pro hac vice*)

Julia C. Atcherley

321 West 44th Street, Suite 1000

New York, NY 10036

(212) 850-6100

*Attorneys for Defendants Advance Magazine
Publishers Inc. and David Grann*

Of counsel:

Lynn Oberlander

General Counsel

The New Yorker

4 Times Square

New York, NY 10036